

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROBERT STARKS,

Plaintiff/Counter-defendant,

vs.

No. CIV 98-0630 JC/WWD

RANDOLPH “DUKE” WHITE, WILLIAM LOGAN,
DAVE CORDOVA, and other unknown and similarly situated
persons acting in concert with the above-named parties,

Defendants/Counter-claimants.

MEMORANDUM OPINION AND ORDER

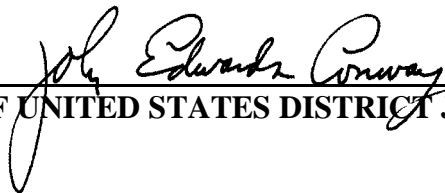
THIS MATTER came on for consideration of Plaintiff’s Motion to Exceed Page Limit of Motion, Brief and Exhibits (*Doc. 92*), filed May 20, 1999; Plaintiff’s Motion for Summary Judgment on His Claim for Affirmative Relief (*Doc. 95*), filed May 21, 1999; and Plaintiff/Counter-defendant’s Motion for Summary Judgment on Second Amended Counterclaim (*Doc. 93*), filed May 21, 1999. These motions were submitted while Defendant White’s Motion to Join BLM was under advisement. Because Plaintiff must file an amended complaint and join additional parties, Plaintiff’s motions for summary judgment are premature and will be denied. Further, Plaintiff’s Motion to Exceed Page Limit is not well taken. The issues raised in Plaintiff’s motions are primarily questions of law, such as whether New Mexico recognizes prescriptive easements for recreational uses or for access to a body of water. Pages of photographs, affidavits on tangential issues, and an extensive discourse on Plaintiff’s alleged ecological motivation for fencing his land are not useful to the Court in answering these questions.

Wherefore,

IT IS ORDERED that Plaintiff's Motion to Exceed Page Limit of Motion, Brief and Exhibits (*Doc. 92*), filed May 20, 1999, is **denied**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment on His Claim for Affirmative Relief (*Doc. 95*), filed May 21, 1999, and Plaintiff/Counter-defendant's Motion for Summary Judgment on Second Amended Counterclaim (*Doc. 93*), filed May 21, 1999, are **denied as premature**.

DATED this 1st day of June, 1999.


CHIEF UNITED STATES DISTRICT JUDGE

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